

FRIARS DRIVE UTILITIES CONNECTIONS

CONDITIONAL USE PERMIT APPLICATION

CUP# 01-2

STAFF REPORT

March 17, 2021

SITE: Friars Drive (formerly 161 Lowell Road); Map 209 Lot 001-000

ZONING: Industrial (I), General-One (G-1)

PURPOSE OF PLANS: Proposed utility interconnections within the Friars Drive and associated utilities easement areas.

PLANS UNDER REVIEW: “FRIARS DRIVE UTILITY INTERCONNECT PLAN”; prepared by the Dubai Gorup, Inc., 136 Harvey Rd, Bldg B101, Londonderry, NH 03053; consisting of 2 sheets, with a note “Refer to approved construction plans for details” on Sheet 1; Sheet 1 dated December 31, 2020 and Sheet 2 dated October 8, 2019.

APPLICATION TRACKING:

- June 26, 2019 – Planning Board approved Subdivision (SB# 02-19) & Site Plan (SP# 03-19).
- February 2, 2021 – Conditional Use Permit Application (Amendment) received.
- February 19, 2021 – Conservation Commission held a site walk.
- March 16, 2021 – Conservation Commission meeting scheduled.
- March 17, 2021 – Planning Board hearing scheduled.

COMMENTS & RECOMMENDATIONS:

BACKGROUND

The property is currently under development. The Planning Board previously approved a subdivision and site plan for a multi-family residential development on this property in June 2019. The Zoning Board of Appeals also approved a special exception to allow the construction of the extension of Friars Drive to Lowell Road, which would impact a portion of the 50’-wide wetland buffer.

The Zoning Ordinance Amendment approved in January 2020 changed the ordinance related to Wetland Conservation District, now requiring a conditional use permit for certain uses, including some that were previously allowed only through a special exception.

The applicant has identified new utility needs and plan to add a water main connection that will impact a new section of the 50’-wide wetland buffer, requiring a conditional use permit.

The proposed 12” water main connection will create an additional 1,450-s.f. (roughly 8’ x 181’) Wetland Conservation District impact area along Friars Drive. The impact area is partially within the Friars Drive’s public right-of-way and partially within the abutting lot 209-5 (but within a 80’-wide sewer easement area). This adds to the 34,136-s.f. impact area #1 previously approved by the special exception.

The Conservation Commission is scheduled to hear this application for their review, comment and recommendation on Tuesday, March 16, 2021.

STAFF COMMENTS

1. **Conditional Uses within the Wetland Conservation District (§334-36:C):** Staff recognizes the proposed water main connection as part of the built-out of Friars Drive, which fits under the permitted Conditional Use under §334-36:C(2).

However, the same provision requires the construction to minimize impact to the District and allows a permit only when no viable alternative is available.

While finding the proposed water main connection has been laid out in a way that limits potential impact to the District, staff recommends the Planning Board to ascertain the applicant had explored and exhausted potentially viable alternatives.

2. **Additional Conditional Use Permit Criteria (§334-37):**
 - a. Proof of application to all required state and/or federal permits, if applicable
 - b. Written comment from the Conservation Commission

DEPARTMENTAL COMMENTS

1. Chief Assessor (February 11, 2021): No comments
2. Town Engineer (February 12, 2021): No comments
3. Zoning Administrator (February 17, 2021): No comments
4. Fire Chief (March 2, 2021): No comments

DRAFT MOTIONS

ACCEPT the conditional use permit application:

I move to accept the conditional use permit application for Friars Drive Utilities Connections on Friars Drive, Map 209 Lot 001.

Motion by: _____ Second: _____ Carried/Failed: _____

CONTINUE the public hearing to a date certain:

I move to continue the public hearing for the conditional use permit application for Friars Drive Utilities Connections on Friars Drive, Map 209 Lot 001, to date certain, _____.

Motion by: _____ Second: _____ Carried/Failed: _____

APPROVE the conditional use permit application:

I move to approve the Wetlands Conservation Overlay District Conditional Use Permit application titled “FRIARS DRIVE UTILITY INTERCONNECT PLAN”; prepared by the Dubai Gorup, Inc., 136 Harvey Rd, Bldg B101, Londonderry, NH 03053; consisting of 2 sheets, with a note “Refer to approved construction plans for details” on Sheet 1; Sheet 1 dated December 31, 2020 and Sheet 2 dated October 8, 2019; subject to, and revised per, the following stipulations:

1. All stipulations of approval shall be incorporated into the Notice of Decision, which shall be recorded at the HCRD, together with the Plan.
2. Final administrative review by Town Planner and Town Engineer.
3. Construction activities involving the approved plan shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No exterior construction activities shall occur on Sunday.
4. Approval of the Wetlands Conservation Overlay District Conditional Use Permit is conditioned on use of NH DES Best Management Practices for construction and restoration, and erosion control measures that meet the Town Engineer’s approval.

Motion by: _____ Second: _____ Carried/Failed: _____.